

REMARKS

This application pertains to a novel process and apparatus for removing oil from chopped elastane fibers.

Claims 1-22 are pending.

Claim 11 stands objected to as being a multiple dependent claim which depends from another multiple dependent claim.

Claim 11 has been amended to remove the multiple dependency, and the objections to claim 11 should accordingly now be withdrawn.

Claims 1-22 stand rejected under 35 USC 112, second paragraph, because the Examiner sees the term "such" in claim 1 as rendering the claim indefinite.

The term "such" as used in claim 1 is not indefinite at all. The expression "...such preparation oils..." refers back to the expression "...polydimethylsiloxane preparation oil...". Thus, there can be no doubt at all about what the expression "such preparation oils" means, and the word "such" cannot therefore properly be seen as indefinite.

The rejection of claims 1-22 under 35 USC 112, second paragraph should accordingly be withdrawn.

Turning now to the art rejection, claims 1-22 stand rejected under 35 USC 103(a) as obvious over CA 771,086.

The CA reference, insofar as relevant at all, is concerned only with the washing of chopped waste yarn with "a suitable organic solvent" (page 5, lines 7-11). Acetone is given as an example of a suitable organic solvent.

After the yarn has been washed thoroughly with an organic solvent, it is rinsed with water and dried.

Clearly, the organic solvent removes the oil, and the water removes the excess solvent from the yarn.

The process of the CA reference is discussed in the paragraph bridging pages 2 and 3 of the specification. As can be seen from that discussion, the use of organic solvent complicates the process in that explosion proof equipment is required, and solvent removal (and disposal) must be attended to, so as not to contaminate the elastane spinning solution.

By contrast, Applicants remove preparation oils from chopped fibers by treating said fibers with water, under the specific conditions of time, temperature and mixing recited in the claims.

Nothing in the CA reference would teach or suggest that water, under specific conditions such as those claimed by Applicants, could ever remove preparation oil from fibers. To the contrary, the clear lesson of the CA reference is that an organic solvent must be used.

Moreover, nothing in the CA reference would teach or suggest a water:fiber ratio of 5:1 or the use of a rotating mixer at a speed of at least 1200 rpm to remove a preparation oil from a fiber with water.

The Examiner invokes what she sees as "common knowledge"... "that elastane fibers comprising polydialkyl siloxane...are vulnerable to chlorinated water degradation."

"Chlorinated water degradation" has nothing to do with the separation of a preparation oil from a fiber. It is noted that Applicants' process is directed to separating preparation oil from fibers, and not to destruction (i.e., degradation") of the fibers.

As a final point, it is respectfully pointed out that the Examiner has not shown where in the reference there can be found any teaching or suggestion of Applicants' specific water:fiber ratio or Applicants' specific mixer speed. In this regard, the Examiner's attention is drawn to Applicants' examples, especially to comparative Example 20, where it can be seen that Applicants' specific conditions must be practiced for the process for to be successful.

Applicants' claims cannot in any way reasonably be seen as obvious over the disclosure of CA 771,086, and the rejections of claims 1-22 under 35 USC 103(a) as obvious over said reference should now be withdrawn.

Claims 1-22 stand rejected under 35 USC 103(a) as obvious over Kauch (US 6,123,885) in view of Hutte (US 5,969,008).

The Examiner view Kauch as teaching a process wherein finishing oils are applied

to elastane filaments, and Hutte as teaching that chlorinated water degrades polyurethane fibers or impairs their physical properties.

Somehow the Examiner puts these two teachings together and arrives at a conclusion that "the inherent degradation of the elastane fibers coated with PDMS finishing oil when exposed to chlorinated water" renders Applicants' claims obvious.

However, Applicants' claims:

- are directed towards the removal of preparation oils from elastane fibers. The Examiner has not shown where anything in either of these two references has anything to do with the removal of a preparation oil from a fiber. Degradation of a fiber is different than removal of an oil from the fiber, and would, in fact, defeat the very purpose of the present invention. The present invention improves the condition of the fibers for further processing. Degradation would not be an improvement - it would render the fiber useless.
- Applicants' process treats the fibers with water under specific conditions of time, temperature and mixing; and Applicants' examples demonstrate the importance of maintaining the claimed condition. Nothing in either of the references cited would teach the combination of Applicants' time, temperature and mixing of water with the chopped fibers to remove preparation oils therefrom.

In short, the Kauch and Hutte references are virtually irrelevant to the present invention.

The rejection of claims 1-22 under 35 USC 103(a) as obvious over said references should be withdrawn.

In view of the present amendments and remarks it is believed that claims 1-22 are now in condition for allowance. Reconsideration of said claims by the Examiner is respectfully requested and the allowance thereof is courteously solicited.

CONDITIONAL PETITION FOR EXTENSION OF TIME


If any extension of time for this response is required, Applicants requests that this be considered a petition therefor. Please charge the required Petition fee to Deposit Account No. 14-1263.

ADDITIONAL FEE

Please charge any insufficiency of fees, or credit any excess to our Deposit Account No. 14-1263.

Respectfully submitted

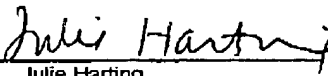
NORRIS, McLAUGHLIN & MARCUS

By 
William C. Gerstenzang
Reg. No. 27,552

WCG/jh

220 East 42nd Street
30th Floor
New York, New York 10017
(212) 808-0700

I hereby certify that this correspondence is being transmitted via facsimile, no. VIA FACSIMILE NO. 703-872-9306 to the United States Patent and Trademark Office, addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on December 18, 2003.

By 
Julie Harting
Date December 18, 2003